

United States Bankruptcy Court

Northern District of Illinois, Western Division

In re	<u>Christopher Greene</u> ,	Case No.
	Debtor	<u>21-80790</u>
	<u>Patricia Brown</u> ,	Chapter
	Plaintiff	<u>7</u>
	v.	
	<u>Christopher Greene and Tiffany Greene</u> ,	Adv. Proc. No.
	Defendant	<u> </u>

COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY OF DEBT

Plaintiff, Patricia Brown, a creditor in the above captioned bankruptcy matter, by her attorneys, The Law Offices of Jeffrey S Harris, pursuant to Federal Rule of Bankruptcy Procedure 7001(6), alleges as follows:

1. This adversary proceeding is being brought in connection with Christopher Greene's case under Chapter 7 of the bankruptcy code, Case No. 21-80790, and constitutes a core proceeding. This court has jurisdiction over this adversary proceeding under 28 U.S. C. 157(b)(2)(i) and 11 U.S.C. 727.

JURISDICTION

2. On June 15, 2021, the Debtor filed a voluntary petition (the "Petition") for relief under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of Illinois, Western Division.
3. On July 27, 2021, the Debtor's duly-noticed meeting of creditors was held pursuant to Section 341(a) of the Bankruptcy Code (the "Section 341 Meeting").
4. As of the date of this Complaint the Debtor has not been granted a discharge.

5. This Complaint is timely because the date by which a Complaint objecting to the Debtor's discharge or to determine dischargeability of a debt expires on September 27, 2021.
6. This is an adversary proceeding in which the plaintiff-creditor is objecting to the Debtor's discharge under Bankruptcy Code § 727(a)(3) and 727(a)(4)(A).
7. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §1334 and Bankruptcy Code §727.
8. This case is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(I) and 157(b)(2)(J).

PARTIES

9. Patricia Brown is a judgment creditor although Debtors failed to list her in the above referenced bankruptcy matter.
10. Defendant, Christopher Greene, is a Debtor in the above referenced bankruptcy matter.

FACTUAL ALLEGATIONS

11. Plaintiff hired Defendant Christopher Green (Hereinafter referred to as "Greene" to do home repairs for Plaintiff.
12. Greene failed to do acceptable work on Plaintiff's home.
13. Plaintiff filed a lawsuit against Defendant in the Circuit Court of McHenry County, Illinois under case number 21SC 573.
14. A trial was held in the state court matter and subsequently the Court granted a Judgment in favor of Plaintiff Patricia Brown and against Christopher Greene dated May 20, 2021 in the sum of \$8,000.00 plus costs.
15. Greene has made no payments to Plaintiff and the judgment remains unsatisfied.

OBJECTION TO DEBTOR'S DISCHARGE UNDER SECTION 727(a)(4)(A) OF THE BANKRUPTCY CODE

16. Bankruptcy Code 11 USC §727(a)(4)(A) provides in relevant part that:

(a) The court shall grant the debtor a discharge, unless

...

(4) the debtor knowingly and fraudulently, in or in connection with the case

...

(A) made a false oath or account

17. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules filed with the Court and also, on information and belief, at his 341 meeting of creditors.
18. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he stated on his Petition, "I have not used any business name or EINs." When in fact he had used a business name "Greene's Home Imp."
19. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he stated on his Petition by checking the box "No." to the question "do you rent your residence" when in information and belief Greene rents his residence.
20. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the question, "Do you own or have any legal or equitable interest in residence, building, land, or similar property?" Greene responded "No" when on information and belief, Greene does have an interest in property located in Wisconsin.
21. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the question, "Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives." Greene listed a 2014 Dodge Ram 1500 automobile which Greene stated had a current value of \$12,642.00. However, on information and belief, the current value is at least \$32,925

which is the value listed by Greene on the reaffirmation of the debt for said vehicle. The reaffirmation was filed with the Court on September 15, 2021.

22. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the question, “Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. 4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories, Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories.” Greene stated, “No.” However, on information and belief, Greene has an interest in a Kawasaki Ninja ZX10-R motorcycle valued at \$12,000 and also an ATV vehicle.
23. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the question, “9. Equipment for sports and hobbies. Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools” Greene stated, “No.” On information and belief, Greene owns carpentry tools of significant value.
24. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the question, “10. Firearms” Greene stated, “No.” On information and belief, Greene owns cross bows and hunting equipment of significant value.
25. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the

question, “10. Jewelry” Greene stated, “No.” On information and belief, Greene owns a Rolex watch and wedding band and other jewelry of significant value.

26. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his schedules, Schedule A/B, in response to the question, “37. Do you own or have any legal or equitable interest in any business-related property?” Greene stated, “No.” On information and belief, Greene owns business equipment of significant value.

27. The debtor knowingly and fraudulently, in or in connection with the case, made a false oath or account, in that he represented in his Statement of Financial Affairs attached to his Petition, in response to question 9. Greene listed a lawsuit in which he was a defendant. However, Greene failed to list the lawsuit by the Plaintiff herein although a judgment was entered against Greene shortly before the filing of his Chapter 7 case.

28. By virtue of the Debtor's false representations and omissions, and the oath he took concerning the veracity of his submissions, the Debtor's discharge should be denied under Bankruptcy Code §727(a)(4)(A).

WHEREFORE, plaintiff respectfully requests that this Court Enter an Order denying the Debtor's discharge under Bankruptcy Code § § 727(a)(3) and 727(a)(4)(A), and granting plaintiff such other and further relief as this Court may deem just and proper.

Respectfully Submitted

/s/ Jeffrey S Harris

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